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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/806,466	03/23/2004	Shuichi Hirukawa	20455203200	1703
25227 7590 02/07/2008 MORRISON & FOERSTER LLP 1650 TYSONS BOULEVARD SUITE 400 MCLEAN, VA 22102			EXAMINER SAYADIAN, HRAYR	
			ART UNIT 2815	PAPER NUMBER
			MAIL DATE 02/07/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10806466	3/23/2004	HIRUKAWA ET AL.	20455203200

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EXAMINER

HRAYR A.. SAYADIAN

ART UNIT	PAPER
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2815

20080201

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Commissioner for Patents

See the attached detailed explanation.

DETAILED FORM PTO-90 COMMUNICATION: NON-RESPONSIVE REPLY

1. The 11/7/2007 "Reply" does not fully respond to the 10/24/2007 Office Communication at least because of the following omissions and matters.

37 CFR § 1.111 (b) requires that "[A]pplicant's ... reply must appear throughout to be a bona fide attempt to advance the application or the reexamination proceeding to final action." 37 CFR § 1.111 (b) explicitly requires that a "reply ... present arguments pointing out the specific distinctions believed to render the claims, including any newly presented claims, patentable over any applied references." And 37 CFR § 1.111 (b) explicitly notes that "[a] general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references does not comply with the requirements of" 37 CFR § 1.111 (b).

The Reply is labeled as Supplemental. The 7/11/2007 reply, the present Reply is supposed to be supplemental to, however, is defective because:

- (1) it does not contain arguments for why the claims would be allowable, and
- (2) it contains statements attributed to Examiner that could not be found.

The present Reply addresses the first defect. The present Reply however fails to address the second defect. Because of this omission, the present Reply on its face fails to satisfy 37 CFR § 1.111 (b) and is therefore not responsive.

Applicant may remedy this omission by specifically pointing to a paragraph in the 3/5/3007 Office Action wherein "the Examiner asserts that the thickness of the p- and n- layers are insignificant," as Applicant's 7/11/2007 Reply contends. See, for example, lines 3-4 of the last paragraph on page 5 of the 7/11/2007 Reply. Alternatively, if Applicant recognizes that Examiner has not made such an assertion, then Applicant may remedy this omission by submitting a Reply not containing such an allegation and substituting for, not supplementing, the 7/11/2007 and 11/7/2007 replies.

Accordingly, to avoid abandoning this Application, since the above-mentioned reply appears to be *bona fide*, Applicant must file a response correcting the above described omissions

Art Unit: 2815

and matters within a shortened statutory period of **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer. Extension of this time period may be granted under 37 CFR § 1.136(a).

2. **Since this is the second specific communication about this matter, an improper or defective reply to this communication will result in a non-responsive reply communication without an extension of time.** See 37 CFR § 1.111 (b).

CONCLUSION OF PTO-90 COMMUNICATION

3. Any inquiry concerning this communication or earlier communications from Examiner should be directed to Hrayr A. Sayadian at (571) 272-7779. Examiner Sayadian can normally be reached Monday through Friday, 7:30 am – 4:00 pm ET.

If attempts to reach Examiner Sayadian by telephone are unsuccessful, his supervisor, SPE Kenneth Parker, can be reached at (571) 272-2298. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available only through Private PAIR. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. The Electronic Business Center (EBC) at 866-217-9197 (toll-free) may answer any question on how to access the Private PAIR system.

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